



# Massachusetts Department of Public Utilities

One South Station Floor 5, Boston Massachusetts 02110

## Bid Template

Request for Response (RFR) ☒ Request for Quote (RFQ) ☐ Request for Information (RFI) ☐ Intent Only ☐

<b>Department of Public Utilities RFR/RFQ#:</b>	17DPURSMY1
<b>Bid Title:</b>	Assessment of the MBTA's Green Line Light Rail Track System
<b>Strategic Sourcing Service Lead (SSSL):</b>	Meng You
<b>SSSL Email and Telephone Number</b>	meng.you@state.ma.us

1.	<b>Brief Description of Procurement (less than 500 characters):</b> The Commonwealth of Massachusetts Department of Public Utilities (DPU) located in Boston, Massachusetts, is the designated State Safety Oversight Agency (SSOA) for the Massachusetts Bay Transportation Authority (MBTA), and is soliciting Bidders (or "CONSULTANT"), or qualified consulting engineering firms, for the acquisition of an analysis and assessment of the (MBTA) light rail, (Green Line) track system.																				
2.	<b>Acquisition Method:</b> <input checked="" type="checkbox"/> Fee for Service or <input type="checkbox"/> Outright Purchase (commodity)																				
3.	<b>Number of Vendors:</b> <input checked="" type="checkbox"/> Single (if it is in the best interest of the Commonwealth, DPU reserves the right to award this procurement to multiple vendors)  <input type="checkbox"/> Multiple (if it is in the best interest of the Commonwealth, DPU reserves the right to award this procurement to a single vendor)																				
4.	<b>Contract User(s):</b> <input checked="" type="checkbox"/> Department of Public Utilities Only  <input type="checkbox"/> For use by another agency (City/Town/School/Districts) with execution of separate contract																				
5.	<b>Expected Duration of Contract:</b> Initial Duration: Approval Date to: 6/30/2017 Renewal Options: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes: # of Renewals *up to a maximum of 12 months for each renewal option Renewal Dates: From: to																				
6.	<b>Anticipated Expenditures, Funding or Compensation for Expected Duration (select 1 option only)</b> 1. <input checked="" type="checkbox"/> Contract will have a Maximum Obligation Amount (Initial Duration Amount Only): \$150,000.00 2. <input type="checkbox"/> Contract will be based on Rates (Initial Duration Amount Only): \$_____ 3. <input type="checkbox"/> Contract will be Subject to Quotes (Initial Duration Amount Only): \$_____  Total Contract Amount (Initial Duration PLUS Renewal Amount): \$_____																				
7.	<b>Funding Source:</b> <table border="0"> <tr> <td>Federal Funds</td> <td>Yes <input checked="" type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: \$</td> <td>100%</td> </tr> <tr> <td>State Funds</td> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: \$</td> <td>%</td> </tr> <tr> <td>Trust Funds</td> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: \$</td> <td>%</td> </tr> <tr> <td>Capitol Funds</td> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Amount: \$</td> <td>%</td> </tr> </table>	Federal Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	100%	State Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%	Trust Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%	Capitol Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%
Federal Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	100%																	
State Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%																	
Trust Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%																	
Capitol Funds	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amount: \$	%																	

<b>8.</b>	<b>Format and Number of Submission(s) Required:</b> Email submissions are NOT accepted) <input checked="" type="checkbox"/> Hard Copy Format Required / <input checked="" type="checkbox"/> Flash Drive and/or CD Format Required  Number of Original Hard Copies Required for Submission: 1 Number of Copies required for Submission: 3
<b>9.</b>	<b>Responses must be submitted to*</b> (include any required state forms on COMMBUYS for this posting) Department of Public Utilities Attention: Meng You Address: One South Station Floor 5 City, State, Zip Code: Boston, MA 02110 C/O Document Number: 17DPURSMY1  *US Mail or Hand Delivery are the only accepted formats for receiving responses
<b>10.</b>	<b>Bid Opening Date</b> (all bid responses must be received by EOE no later than the date and time below): Bid Opening Date: 12/16/2016   Bid Opening Time: 4:00 (EST) <input type="checkbox"/> AM / <input checked="" type="checkbox"/> PM  If Rolling Enrollment: Initial Open Date          / Reopen Date          Final Open Date
<b>11.</b>	<b>Question and Answer:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If there will be a Q&A: Questions Due Date: 12/9/2016 Response Posting Date (on or before) 12/12/2016  <b>Pre-Bid Conference:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If a Pre-Bid Conference is available: Date: Time: Location: Contact Person: Additional Information:
<b>12.</b>	<b>Post-Award Debrief:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**The following sections contain mandatory language that is required to be posted with all bids for the Commonwealth. Please read.**

**REQUIRED SPECIFICATIONS- DEPARTMENT OF PUBLIC UTILITIES**

- The Massachusetts Department of Public Utilities reserves the right to reject any and all bids.
- The Massachusetts Department of Public Utilities will award contracts based on the quality of the bids and acceptability of the bids for services or products offered.
- The Massachusetts Department of Public Utilities may request a personal interview prior to entering into a contractual agreement.
- The Massachusetts Department of Public Utilities may request a bidder to modify specific aspects of their bid prior to being offered a contract.
- The Massachusetts Department of Public Utilities may award one bid to several vendors to ensure availability. Being awarded a contract does not guarantee services to be used.

- By submitting a response to this bid you are indicating that you understand and will adhere to all specifications for the Commonwealth of Massachusetts.
- The Massachusetts Department of Public Utilities complies with all Commonwealth of Massachusetts' procurement laws and regulations as set forth and overseen by the Commonwealth Operational Services Division when awarding contracts as well as all the state's grant award requirements as mandated and overseen by the office of the State Comptroller when dispersing these funds. These state requirements are consistent with federal procedures for procurement under 34 CFR Part 80.36. If this project is funded through Federal sources, the vendor agrees to provide access to its books and records to both the Commonwealth of Massachusetts and Federal Funding Sources, should such a request occur.
- By submitting a response to this bid you are indicating that you will comply with the Commonwealth Accessibility Standards: <http://www.mass.gov/anf/research-and-tech/policies-legal-and-technical-guidance/tech-guidance/accessibility-guidance/web-accessibility/>

## **BID - REQUIRED SPECIFICATIONS – OPERATIONAL SERVICES DIVISION**

Issue Date: March 24, 2014

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following BID provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this BID. Words used in this BID shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this BID. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this BID, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost BIDs or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this BID.

Items with the text, "☞ *Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

**COMMBUYS Market Center.** COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at [www.commbuys.com](http://www.commbuys.com). Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are all components of the Bid, as referenced in COMMBUYS, and are incorporated into the Bid and any resulting contract.

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

It is each Bidder's responsibility to check COMMBUYS for:

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

**COMMBUYS Subscription.** Bidders may elect to obtain a free COMMBUYS Seller subscription which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller subscription account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog

using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the Comm-PASS website or related requirements throughout this BID, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

**Multiple Quotes.** Bidders may not submit Multiple Quotes in response to a Bid unless the BID authorizes them to do so. If a Bidder submits multiple quotes in response to an BID that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

**Quote Content.** Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

**\*Supplier Diversity Program (SDP).** Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this BID, either as prime vendors, joint venture partners or other type of business partnerships. Similarly, Executive Order 546 established the Service-Disabled Veteran-Owned Business Enterprise (SDVOBE) Program to encourage the participation of businesses owned and controlled by service-disabled veterans in all areas of state procurement and contracting, thereby including them in the SDP. All bidders must follow the requirements set forth in the SDP section of the BID, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs and/or SDVOBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs and/or SDVOBEs within the primary industries affected by this BID. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP commitment, expressed as a percentage of contract revenues, is approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified M/WBE contractors and the Center for Veterans Enterprise certified SDVOBEs to fulfill their own SDP expenditure benchmarks. M/WBE and SDVOBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

Unless otherwise specified in the bid, the following SDP forms are required to be submitted by the deadlines noted below in order to meet the mandatory participation requirements of the SDP:

SDP Plan Form #/Name	Submitted By	When Submitted
SDP Plan Form #1 – SDP Plan Commitment	All Bidders	With Bid Response
SDP Plan Form #2 – Declaration of SDP Partners	Newly Awarded Contractors	Within 30 days of contract execution
SDP Plan Form #3 – SDP Spending Report	Contractors	Within 45 days of the end of each quarter

**Supplier Diversity Program (SDP) Resources:**

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found at: [www.mass.gov/sdp](http://www.mass.gov/sdp)
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the Operational Services Division's SDO webpage at: [www.mass.gov/sdo](http://www.mass.gov/sdo)

- The Operational Services Division's Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found at: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/osd-events-and-training/osd-training-and-outreach.html>. In addition, the SDP Webinar can be located on the SDP website at [www.mass.gov/SDP](http://www.mass.gov/SDP).
- \*This only pertains to contracts/BIDs over \$150,000.00 (This is only a requirement for new opportunities and not when seeking quotes from a pre-qualified list under a departmental Master Agreement or Statewide Contract)**

Supplier Diversity Program Subcontracting Policies. In addition to the Subcontracting Policies (See Subcontracting Policies section below and see Section 9, Subcontracting By Contractor, in the Commonwealth Terms and Conditions) that apply to all subcontracted services, agencies may define specific required deliverables for a contractor's SDP Plan, including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Business Enterprises (SDVOBE) for the purpose of monitoring and enforcing commitments made in a contractor's Supplier Diversity Program (SDP) Plan.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original BID or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this BID except as specified in this BID, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this BID. Bidders may contact the contact person for this BID in the event this BID is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this BID or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this BID. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this BID.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS BIDs.* Non-successful bidders may request a debriefing from the department that issued the BID. Department debriefing procedures may be found in the BID. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the BID.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the BID; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this BID must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](#) page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the [VendorWeb](#) site ([www.mass.gov/osc](http://www.mass.gov/osc)). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.



Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](#).

Filing Requirements. *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the BID and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the BID and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the BID for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found as an attachment for this Bid on [COMMBUYS](#).

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their BID, unless otherwise specified by the SST. The SST will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain BID-required documents through PDM. These documents have been specified in the BID. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their BID response.

Public Records. All responses and information submitted in response to this BID are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of BID information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the BID. The SST reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

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#### **BID - OTHER SPECIFICATIONS – OPERATIONAL SERVICES DIVISION**

**Issue Date:** November 1, 2005

**Refresh Date:** August 13, 2007

The following BID provisions appear in this section at the department's discretion. If a specification is selected by the department, it is required of the bidder.



Access to Security-Sensitive Information. This solicitation contains security-sensitive information which, pursuant to MGL c. 4, s. 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth's public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure. This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons (pursuant to M.G.L. c. 66A) or buildings, structures, facilities, utilities, transportation, information technology or other infrastructure located within the commonwealth.

Qualified prospective bidders that are interested in accessing this information for the purpose of preparing a bid response must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

1. restrict the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid BID;
2. safeguard the information while it is in their possession (consistent with Section 6 of the *Commonwealth Terms and Conditions*); and
3. return such records and materials to the Commonwealth upon completion of the project.

Alternatives. A response which fails to meet any material term or condition of the BID, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, bidders may submit responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated BID specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The response should describe how any alternative achieves substantially equivalent or better performance to that of the BID specifications.

The department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this BID is to provide the best value of commodities and services to achieve the procurement goals of the department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the BID specifications may receive a preference or additional points under this BID as specified.

Contractors may also propose alternatives for equivalent, better or more cost effective performance than specified under the contractor's original response to enable the department to take advantage of enhanced technologies, commodities or services which become available during the term of the contract.

Brand Name or Equal. Unless otherwise specified in this BID, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this BID to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.

Debriefing. (*This specification is at the department's discretion for non-POS BIDs.*) Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the BID. "POS" refers to Purchase of Service (POS) human and social services procured under 801 CMR 21.00, *Procurement of Commodities or Services, Including Human and Social Services* and 808 CMR 1.00, *Compliance, Auditing and Reporting and for Human and Social Services*.

Emergency Standby Commodities and/or Services. Due to a declaration of a state of emergency where the safety and well-being of Commonwealth citizens are at risk, the Commonwealth of Massachusetts may request specific commodities and/or services from its contractors. Contractors may be called upon to supply and/or deliver to the Commonwealth on a priority basis such commodities and/or services currently under contract.

**Such accommodations may be requested from a contractor during an actual emergency. To accommodate such requests, contractors may be requested and must make every effort to service these requests from regular sources of supply at the rates set forth in any standard contract resulting from this BID.**

Environmentally Preferable Products and Services. The department and contractor(s) may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products are readily available at a competitive cost and satisfy the department's performance needs.

Estimated Provisions. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this BID. Any estimates or past procurement volumes referenced in this BID are included only for the convenience of bidders, and are not to be relied upon as any indication of future purchase levels.

Performance and Payment Time Frames Which Continue Beyond the Duration of the Contract. All term leases, rentals, maintenance or other agreements for services entered into during the duration of this contract and whose performance and payment time frames extend beyond the duration of this contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No new leases, rentals, maintenance or other agreements for services may be executed after the contract has expired. Any contract termination or suspension pursuant to this section shall not automatically terminate any leases, rentals, maintenance or other agreements for services already in place unless the department also terminates said leases, rentals, maintenance or other agreements for service, which were executed pursuant to the main contract.

Reverse Auction Participation and Payment. In addition to negotiations and Best and Final Offers (BAFOs) that may be conducted with bidders pursuant to 801 CMR 21.00, the PMT will be conducting a Reverse Auction subsequent to the submission of BIDs. After the conclusion of the reverse auction and the determination of the winning bidder(s), the winning bidder(s) will be responsible for paying the cost for this reverse auction, not to exceed \$3,000 per event, directly to the Commonwealth's reverse auction contractor. That payment must be made within 30 days of the end of the auction event or of the contract award date, whichever is later. In the case of multiple winners, the department will determine how payments will be made in a fair and equitable manner. In addition, the PMT reserves the right to employ the use of reverse auctions at any time during the contract term under the same payment terms as referenced above in this section.